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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,471	11/25/2003	Lars Thogersen	02405.0218-03000	4378
22852	7590	09/08/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			FOX, CHARLES A	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HC

Office Action Summary

Application No.

10/720,471

Applicant(s)

THOGERSEN, LARS

Examiner

Charles A. Fox

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/169,361.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 20, 2005 and the amendments to the claims filed on May 2, 2005 have been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14,17-19, and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volby in view of Myron. Regarding claims 14 and 38 Volby US 5,584,376 teaches a ground apparatus for loading and unloading an aircraft comprising:

a segmented conveyor comprising a connected succession of conveyor units interconnected by pivotal joints;

said segmented conveyor having a first end disposed to be placed near an aircraft and a first end conveyor unit at said first end;

said first end of segmented conveyor at least partially extendable into the aircraft cargo compartment;

said segmented conveyor being stored in said ground apparatus when not extended. Volby does not teach folding the segmented conveyor when it is stored.

Art Unit: 3652

Myron US 4,164,338 teaches a segmented conveyor (34) that is stored such that it is in a folded position where one segment is positioned over at least two other segment of the conveyor. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Volby with the folding conveyor as taught by Myron in order to shorten the length of the storage area, or allow a longer segmented conveyor to be stored in the original storage area.

Regarding claim 17 Volby further teaches a second conveyor (53) with a first and a second end, with said first end to be located proximate an aircraft.

Regarding claims 18,19,36 and 37 Volby also teaches said second conveyor as being an endless belt that is approximately coplanar with said segmented conveyor with the stored portion of said segmented conveyor generally parallel to said second conveyor.

Regarding claim 35 Volby further teaches said apparatus is a ground vehicle.

Claims 15,16,23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volby and Myron as applied to claim 14 above, and further in view of McWilliams. In regards to claims 15,16,23,24,30 and 31 Volby and Myron teach the limitations of claim 14 as above, they do not teach using endless belts as the conveying means or varying the inclination of the first end section of the extendable conveyor. McWilliams US 3,885,682 teaches an extendable conveyor comprising:

- a plurality of conveyor units (70,40);

- a first end conveyor (70) for varying the inclination of the conveyor path;

- each conveyor unit (70,40) comprises an endless conveyor belt;

Art Unit: 3652

wherein each endless belt is driven by a drive roller, one or more idler rollers which are supported by a frame which in turn is supported by a wheel carrying support member (150);

a control panel located on the head (58) of said device to allow an operator within the vehicle to operate the device.

.It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the device taught by Volby and Myron as taught by McWilliams in order to allow the device to compensate for the height of stored cargo, thereby letting the conveyor place or pickup cargo from any particular height in the cargo compartment, thus saving the operator from unnecessary lifting.

In regards to claim 25 the Volby and Myron references both further teach the width of individual conveying units as being much greater than their length. It would have been obvious to one of ordinary skill in the art, at the time of invention to use a length to width ratio similar to the one taught by Volby or Myron in order to allow the device to have a smaller turning radius about a horizontal axis.

Regarding claims 26-29 Volby further teaches the device as comprising:

releasable couplings between conveyor segments;

a mechanism (not numbered) for extending and retracting the segmented conveyor;

pivot units between said segments to allow at least limited vertical pivoting of one segment relative to another;

said pivots being near an outer periphery of said conveyor units.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volby and Myron as applied to claim 17 above, and further in view of Kornylak UPC. Volby and Myron teach the limitations of claim 17 as above, they do not teach a bridging member between the device and the aircraft. Kornylak UPC also teaches a bridge member adapted to be supported by a transport vehicle and to support conveyor units during extension of said successive conveying units, wherein said bridge incorporates guides for the extendable conveying units. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Volby with a bridge as taught by Kornylak in order to allow the device to traverse an open span between the device and an aircraft.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volby and Myron as applied to claim 17 above, and further in view of Mastracci et al. Volby and Myron teach the limitations of claim 17 as above they do not teach adjusting the height of the second conveyor. Mastracci et al. US 3,524,558 teaches a loading device for aircraft comprising :

- a first extendable conveyor (118);

- a second conveyor (116);

wherein said second conveyor is tilted via cylinder (18) in order to adjust the height of the device. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Volby and Myron with the tilting mechanism taught by Mastracci et al. in order to allow the device to load and unload aircraft compartments of differing heights.

Art Unit: 3652

Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volby, Myron and McWilliams as applied to claim 15 above, and further in view of Mastracci et al. Volby, Myron and McWilliams teach the limitations of claim 15 as above they do not teach a second lifting device at the second end of the second conveyor.

Mastracci et al. teaches a loading device for aircraft comprising :

- a first extendable conveyor (118);

- a second conveyor (116);

- a tailgate (254) at the second end of said second conveyor;

- said tailgate being used to handle cargo;

- wherein said second conveyor is tilted via first cylinder (18)

- said tailgate being tiltable to various inclinations relative to said second conveyor;

- a control system located outside of said aircraft for said tailgate, whereby an operator outside of the aircraft may change the inclination of the tailgate;

- a second hydraulic cylinder (258) for pivoting said tailgate about a horizontal axis. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Volby with a tailgate as taught by McWilliams in order to form a bridge between the unloading device and a secondary cargo delivery area.

Response to Amendment

The amendments filed on May2, 2005 have been entered into the record.

Response to Arguments


Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAF
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8-23-05


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